

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
FEBRUARY 18, 2003
DRAFT MINUTES NOT APPROVED BY BCC
ANTICIPATED DATE OF APPROVAL: MARCH 25, 2003

The Board of County Commissioners of Leon County, Florida met in regular session with Chairman Grippa presiding. Present were Commissioners Sauls, Thaell, Winchester, Proctor, Rackleff, and Maloy. Also present were County Attorney Herb Thiele, Assistant County Administrator Vince Long, Deputy Clerk Bill Bogan, Jr., and Secretary Sandra C. O'Neal. The meeting was called to order at 5:00 p.m.

Invocation was provided by Commissioner Sauls followed by the Pledge of Allegiance to the Flag.

Awards and Presentations

- Add-On Agenda Item: Commissioner presented the attached Resolution, which he read into the record, to be presented to Governor Bush to reconsider his proposal to discontinue funding which would result in the closing of the Division of Libraries, Division of Historic Resources, Florida State Library, State Archives, Museum of Florida History, and the Knott House. Commissioner Rackleff moved, duly seconded by Commissioner Thaell, to adopt the attached Resolution Number 03-03 carried unanimously, 7/0. The resolution will be sent to the Governor's Office, Speaker of the House, Senate President, and the local delegation. Chairman Grippa directed the County's lobbyist to make funding these places and other historical resources that are proposed to be cut, as priority funding items. The Board concurred.
1. Presentation and Acceptance of Leon County Citizens Advisory Water Resources Committee 2002 Annual Report

Robert Scanlon, Chairman of the committee, gave a brief presentation of the Leon County Citizens Advisory Water Resources Committee 2002 Annual Report. He explained that the committee reached the majority of their decisions unanimously. The Board commended Mr. Scanlon for the committee's diligent work and accepted the Leon County Countywide Water Resources Committee 2002 Annual Report.

Consent

Commissioner Sauls moved, duly seconded by Commissioner Maloy and carried unanimously, 6/0 (Commissioner Proctor was out of the Chambers), to approve the following Consent Agenda items with the exception of Item 4 which was pulled and addressed as described below:

2. Approval of Payment of Bills and Vouchers Submitted for February 18, 2003

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for February 18, 2003:
\$2,749,971.46

3. Ratification of Actions Taken at the February 11, 2003 Workshop on Review of County Tax Revenue and Millage

At the workshop, the Board approved to accept staff's report and additionally, instructed staff to explore different options with regard to developing communication/public relations media summarizing several of the tax and revenue related topics covered at the workshop. The Board approved Option 1: Accept staff's report as presented at the workshop and instruct staff to explore different options with regards to developing communication/public relations media summarizing issues outlined in the report.

4. Approval to Schedule a Workshop on Consolidation for Tuesday, March 18, 2003 from 1:30 – 4:00 p.m.

Commissioner Rackleff pulled this item and remarked that he would like to better understand what the workshop involves. Chairman Grippa explained that workshop is about the process that they have to go through for consolidation and not about the merits, and it was determined to be a Board priority at the annual retreat.

Commissioner Rackleff moved, duly seconded by Commissioner Winchester and carried unanimously, to approve Option 1: Approve the request to schedule the Consolidation Workshop for March 18, 2003 at 2:30 – 4:00 p.m.

5. Approval to Award a Contract for Community Awareness and Education about Primary Health Care and CareNet Partners as Part of the Federal Cap Grant Project to Moore Consulting Group, Inc.

The Board approved Option 1: Award Community Awareness and Education contract to Moore Consulting Group, Inc., not to exceed \$100,000 with the option of increasing the contract up to \$24,000 at the sole discretion of the County and authorize Chairman to execute contract.

6. Ratification of Actions Taken at the January 28, 2003 Workshop on the Request for Proposals

The Board approved Options 1 and 2: Ratify Board action taken at the January 28, 2003 Workshop on the Request for Proposals Evaluation Process; 2) Accept staff's recommendations of evaluation criteria to be used for equitable distribution of contract awards. See attachment:

7. Approval of Agreement with the Department of Community Affairs
for Disaster Mitigation Funding

The Board approved Option 1: Approve the subgrant agreement to fund disaster mitigation activities; authorize the Chairman to execute the agreement; and approve the attached resolution and budget amendment that reflects the grant funding:

8. Acceptance of the Board of Adjustment and Appeals' 2002 Annual Report

The Board approved Option 1: Accept the Board of Adjustment and Appeals 2002 Annual Summary Report

9. Approve the Contract and Scope of Services with Parsons Brinckerhoff Construction Services, Inc., for Construction, Engineering and Inspection for the Orange Avenue Reconstruction Project in the amount of \$1,530,970 and the Buck Lake Road Project in the Amount of \$985,560

The Board approved Option 1: Approve the standard purchasing agreement with scope of services previously approved by the Board on July 9, 2002 with the Parsons Brinckerhoff Construction Services, Inc., to provide construction, engineering and inspection for the Orange Avenue Reconstruction project and Buck Lake Road Project and authorize the Chairman to execute the agreement.

10. Adopt Resolutions and Authorize Chairman to Execute Deeds in Favor of Florida Department of Transportation to Facilitate Crawfordville Highway Widening (Munson Slough Bridge to SR-363 (Four Points))

The Board approved Options 1, 2, and 3: 1) Waive Board Policy No. 03-01 with regard only to these specific sales in order for staff to utilize the procedure provided in Section 125.38, *Florida Statutes*; 2) Adopt the attached resolutions hereto authorizing transfer of title to the Florida Department of Transportation; 3) Authorize the Chairman to execute the County deeds attached hereto conveying title to the property referenced therein to the Florida Department of Transportation:

11. Adopt Resolutions and Authorize Chairman to Execute Drainage Easements in Favor of Florida Department of Transportation to Facilitate Mahan Drive (U.S. Highway 90) Widening

The Board approved Options 1 and 2: 1) Adopt the attached resolutions authorizing transfer of title to the Florida Department of Transportation, in accordance with the Joint Project Agreement; 2) Authorize the Chairman to execute the drainage easement in favor of the Florida Department of Transportation, in accordance with the Joint Project Agreement:

12. Authorization of Improvements to the Intersection at Pullen Road and Old Bainbridge Road

The Board approved Options 1 and 2: 1) Authorize improvements to the intersection at Pullen Road and Old Bainbridge Road; 2) Authorize the attached resolution and budget amendment establishing the related Capital Project:

13. Approval to Accept \$60,000 from the City of Tallahassee for the Construction of the Tram Road Sidewalk into the Arterial/Collector Resurfacing Funding Category

The Board approved Option 1: Approve the attached budget amendment and resolution realizing \$60,000 payment from the City of Tallahassee:

General Business

14. Reconsideration and Board Direction Regarding the Fringe Benefits Building

At the January 14, 2003 Board meeting, the Board directed staff to return an agenda item seeking a decision as to whether to relocate the County's Growth and Environmental Building (GEM) building currently located on Tharpe Street. The item was considered on January 28, 2003 and the Board directed staff to return to the Board with a competitive process for identifying potential relocation sites. During its February 11, 2003 meeting, the Board directed staff to prepare an agenda item for its next meeting to reconsider the Fringe Benefits building as a relocation site.

Commissioner Thael moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to reconsider the motion of July 30, 2002 which established a sale price of \$1.5 million for the GEM building on Tharpe Street and to purchase the Fringe Benefits Building at a set amount.

Commissioner Thael explained the action taken on July 30, 2002 and pointed out that subsequently an appraisal was conducted which indicated that the value was \$1.5; the motion further stated that the Tharpe Street building would have to be sold in order for the County to move forward with its selection of the Fringe Benefits building. He opined that Option 2 was the best choice particularly since it was located in the Southern Strategy. He advised that the County could use the asset of the GEM building as partial payment for the Fringe Benefit Building; the out-of-pocket cost to acquire the Fringe Benefit building is \$400,000 and there would need to be some renovations which can be evaluated; there are dollars in the Capital Improvement budget for renovations - \$100,000 was intended for the renovation to the Tharpe Street facility and this money could be focused on the Fringe Benefit building renovations.

Mr. Rick Bateman, lobbyist representing Jefferson Management/Pepper Family, 300 E. Park Avenue, appeared and reminded the Board that prior to the January 14, 2003 Board meeting, he sent information to Commissioners about the Reed Building Complex. He requested that the Board abide by County policy and seek a Request For Proposal (RFP) which would determine what is in the market so an informed decision could be made before spending millions of dollars. Mr. Bateman requested that the Board give consideration to this site and other sites by going out for RFP and not to waive County policy.

Michael H. Sheridian, 3081 O'Brien Drive, appeared representing Fringe Benefits Management Company, and explained some of the credentials of the company. He also talked about the commitment to the southern strategy and the investment of time and money that Fringe Benefits has undertaken for the County due to the Board's action in July. He stated that he believes that the July 30 vote resulted in selection of the Fringe Benefit building for the new site for GEM and a new RFP was not needed. Mr. Sheridian suggested that a new RFP would place Fringe Benefits at a serious disadvantage since the plans, drawings and other serious considerations are now a matter of public record.

County Administrator Alam clarified comments made and stated that the Fringe Benefits Building was never part of any RFP process and there was no direction or decision on a contract. The issue was that Fringe Benefits was going to get the County a buyer for \$1.5 million and then the Board would consider at that point, purchasing the Fringe Benefits building for \$122 per square foot. Mr. Alam pointed out that staff met those obligations and worked with them, the architects, and the contractor to come up with the plan for \$122 per square foot, although they never got a buyer for \$1.5 million.

Lee Harvey appeared and stated that he was representing the Southern Strategy Task Force, Tallahassee Chamber of Commerce, and the Southside Business Association. He remarked that an integral part of the County, GEM building, could be placed on the Southside and there was strong consideration to purchase the Fringe Benefits building. If this became a reality, it would place employment and economic development in the Southside.

Kim Williams, 917 Summerbrooke Drive, presented a map to the Board showing where the Southern Strategy is located. He referenced the Comp Plan, which suggests that growth should

occur in the Southside and urged the Board to show a commitment to the Southside.

Henree Martin, 1436 East Piedmont Drive, stated that Fringe Benefits did move forward in good faith but were delayed in getting the GEM building for sale, which did not occur. She pointed out that they have done a complete space plan for the Fringe Benefits building and it can be delivered to the Board at the lowest number to the facilities management people, although she felt the number could be reduced greatly, depending on the items that the County might wish to eliminate. She urged the Board to move forward with the Fringe Benefit Building.

Commissioner Thaele moved and was duly seconded by Commissioner Rackleff to waive Board policy 03-01, Section 4 (*Approval Authority for the Acquisition, disposition, and leasing of Real Property*), that requires two appraisals for property exceeding \$500,000.

Commissioner Winchester suggested that it would be appropriate to follow the practice of an RFP process since they do not have the facts on the financials, i.e., where is the money going to come from to pay for the renovations, etc.

Commissioner Thaele stated that the Board, through their decision-making, induced a local company to spend a lot of money to get this building to a place where it could be renovated and brought in at a \$122 per square foot. He stated that they did spend a lot of money based on Board direction and pointed out that there is no state law that requires local government to bid or do an RFP for the purchase of real property.

(Commissioner Winchester moved, duly seconded by Commissioner Proctor and carried unanimously, to continue public hearings Items 25 and 26 to 6:10 p.m. in order to finish discussion on this item.)

Commissioner Proctor inquired about how the Fringe Benefit building would be paid for, particularly since the Board approved purchase of the Bank of America Building. Alan Rosenzweig, Director of Management and Budget, explained that there is still a shortfall that has not been identified in the budget, which is approximately \$1.1 million - \$1.6 million.

The motion on the floor failed 3 - 4 (Commissioners Grippa, Proctor, Sauls, and Winchester voted in opposition).

The Chairman stated that the Board would come back to the item later in the meeting.

The Board then entered discussion again on this item after taking up Item 25.

Commissioner Thael moved and was duly seconded by Commissioner Rackleff to direct staff to require two appraisals for the Fringe Benefit Management property, to invoke Policy 03-01, Section 4. County Attorney Thiele stated that he understands this motion to mean to bring the appraisals back but that no further action would be taken. Commissioner Thael stated that it was his intent to follow through with the commitment that the Board made to the Fringe Benefits. Chairman Grippa asked if Commissioner Thael if he would like to first see if the Board would sole source it without a competitive bid or would he agree to the two appraisals. After some discussion, Commissioner Thael withdrew his motion.

Commissioner Thael moved and was duly seconded by Commissioner Rackleff to approve Alternative 2 (Option 2 – Direct staff to proceed with Alternative #2 – Exchange of property, but not waive policy as noted with the bold underline):

- Determine if there is a need to relocate from the GEM building.
- Credit the appraised value of \$1,100,000 for the Tharpe Street GEM Office Building toward the purchase of the Fringe Benefits Building.
- The Balance of the purchase price for the Fringe Benefits Building would be publicly advertised and a public hearing would be scheduled in accordance with Board Policy for the acquisition of real property.
- **Do not** waive Board Policy No. 03-01, Section 4, **and will require** two appraisals for property exceeding \$500,000.

The motion failed 3 – 4 (Commissioners Grippa, Proctor, Sauls, and Winchester voted in opposition).

Commissioner Proctor moved and was duly seconded by Commissioner Winchester to do the following: direct staff to develop a competitive bid process for the Board's consideration for the potential GEM relocation sites; 2) conduct a current space analysis of the GEM building over a ten year period, and determine whether there is a need to relocate the GEM staff; 3) include in the scope of the RFP the Southern Strategy, Frenchtown, Front Porch and the Enterprise Zone; and 4) provide information on how to pay for a new building for the relocation of the GEM office.

Commissioner Sauls amended the motion, which was accepted, that staff provide information demonstrating the need, using a 10-year time frame, for relocating the GEM building.

The motion, with the amendment, carried 5 – 2 (Commissioners Thaell and Rackleff voted in opposition).

15. Approval of FY 2004 Budget Policy Guidance

This item seeks Board guidance on certain issues as they relate to the development of the FY 2004 Annual Budget.

Commissioner Sauls moved and was duly seconded by Commissioner Maloy to approve Option 1, with the addition of Emergency Medical Services (EMS) as recommended by the Chairman):

- Address Board Retreat priorities as established on December 8, 2003.
- Provide continued funding support to implement the 2nd year of the Sheriff's salary study.
- Develop alternative funding for the elimination of the Fire MSTU.
- Hold the countywide millage rate constant.
- Request additional staff in areas of critical need only.
- Continue to review programs for areas of opportunity to provide high levels of service at reduced costs.
- Maintain the Uninsured Healthcare program at current FY 02/03 adopted levels.
- Evaluate fiscal impacts of the County Charter (i.e. Board salaries, alternative revenues).

The motion carried unanimously, 6/0 (Commissioner Rackleff was out of the Chambers).

16. Approval of Settlement Agreement in *Ortega v. Leon County*, Case No. 2002-CC 1980

This issue is whether to approve a stipulation settling the case pending in Leon County Court Challenging the action of the Leon County Animal Classification Committee classifying two dogs owned by Ms. Patricia Ortega as "dangerous" under the Leon County Code and applicable law.

County Attorney Thiele explained that the settlement agreement has been signed by all the parties.

Commissioner Winchester moved and was duly seconded by Commissioner Maloy to approve Option 1: Approve the stipulation settling the case of *Ortega v. Leon County*, Case No. 2002 CC 1980, and direct staff to execute and file the Stipulation. The motion carried unanimously, 7/0.

The Board then entered discussion of Add-on Item 27.

17. Approval to Amend the County's Buffering Requirements Between Residential Developments

This agenda item is whether to amend the Land Development Code (Chapter 10, *Leon County Code of Laws*) to include a landscaped buffer requirement between residential developments.

Commissioner Thael moved and was duly seconded by Commissioner Winchester to approve Option 1: Direct staff to draft an ordinance requiring buffering standards between one-family, single family detached developments and between one-family, single family detached and two-family, single family attached developments.

The motion carried unanimously, 6/0 (Commissioner Rackleff was out of the Chambers.)

18. Adoption of Proposed Revision to Bid Acceptance Policy Regarding Bidders Found to Have Violated the County's Code of Law

This item is to consider adoption of a policy to disqualify businesses that violate Leon County's Code of Laws from entering into contracts with the County.

Commissioner Thael moved and was duly seconded by Commissioner Winchester to approve Option 1: Authorize staff to include the attached language or similar language in future RFPs and bids and bring back a revision to the Purchasing Policy to reflect this policy direction.

Following some discussion, Commissioner Thael withdrew his motion.

Keith Roberts, Purchasing Director, was present and responded to the Board's inquiries.

Commissioner Thael moved and was seconded by Commissioner Rackleff to approve Option 1 with the addition of language in

future RFPs and bids, which the County Attorney can draft and bring back in the Purchasing policy, that says that costs, time overruns, production or permitting problems, are a consideration for the evaluators.

Commissioner Thaelle withdrew his motion.

Commissioner Proctor suggested that the policy was too broad, that it included all violations of Leon County ordinances and City ordinances, including zoning issues.

Commissioner Thaelle moved and was duly seconded by Commissioner Rackleff to continue this item and direct the County Attorney to bring back an agenda item with language that includes and considers the issues raised by the Board, narrowing the scope of language. Following some discussion, Commissioner Thaelle withdrew his motion.

Commissioner Rackleff moved a substitute motion and was duly seconded by Commissioner Thaelle to continue this item and have staff bring back an agenda item that includes language addressing the issues discussed today which involve the following issues: 1) consistency with other local governments; 2) whether or not the contractor is decertified by FDOT; 3) information on the implementation process and costs to implement the policy; 4) impact on staff of performing background checks; and, 5) impact on M/WBE primary contractors and subcontractors.

The motion on the floor carried unanimously, 5/0 (Commissioners Winchester and Grippa were out of the Chambers).

19. Approval to Schedule a Public Hearing to Amend Chapter 8, Article III of the Emergency Medical Transportation Services Ordinance

This item seeks the Board's approval to advertise and schedule a public hearing to amend Chapter 8, Article III of the Emergency Medical Transportation Services Ordinance.

The County Attorney stated that neither the EMS Council or Tallahassee Community Hospital has reviewed the amended ordinance.

Commissioner Maloy moved and was duly seconded by Commissioner Proctor to direct the County Attorney to forward the Ordinance to the EMS Council for review and if no problems exist with the Ordinance, then proceed with Option 1: Advertise and

schedule a public hearing to amend Chapter 8, Article III of the Emergency Medical Transportation Services Ordinance.

The motion carried unanimously, 5/0 (Commissioners Thael and Winchester were out of the Chambers).

20. Status of Bradfordville Litigation

This item is to update the Board of County Commissioners as to the status of the currently active Bradfordville-area litigation.

Chairman Grippa advised that the parties are reconsidering the moratorium and will possibly withdraw their motion. When new events transpire, the County Attorney will bring the item forward.

Commissioner Sauls moved and was duly seconded by Commissioner Rackleff to continue this item and bring it back to reconsider when new events have developed.

Don Bethancourt, 5661 Widefield Drive, requested that no further action be taken by the County Attorney during the time that they are trying to resolve some issues. County Attorney Thiele explained that he would be filing only what he is required to do. Chairman Grippa stated that he hopes that the moratorium will be withdrawn.

The motion carried unanimously, 6/0 (Commissioner Winchester was out of the Chambers).

21. Approval to Schedule a Public Hearing to Amend Section 10-1527 of the Leon County Land Development Code to Permit Recognition of Access for Certain Permits

This item seeks the Board's approval to advertise a public hearing to amend Section 10-1527 of the Leon County Land Development Code to permit Recognition of Access for certain permits.

Commissioner Sauls moved and was duly seconded by Commissioner Rackleff to approve Option 1: Authorize the County Attorney's Office to advertise and schedule a public hearing to amend Section 10-1527(a) of the Leon County Code of Laws. The motion carried unanimously, 5/0 (Commissioners Proctor and Winchester were out of the Chambers).

22. Approval of Contract with McGlynn Laboratories for the Woodville Recharge Basin Aquifer Protection Study

Commissioner Sauls moved and was duly seconded by Commissioner Rackleff to approve Option 1: Authorize the Chairman to execute the contract with McGlynn Laboratories, Inc., in the amount of \$259,500 to perform the Woodville Recharge Basin Aquifer Protection study.

The motion carried unanimously, 6/0 (Commissioner Winchester was out of the Chambers).

23. Board Consideration of a Draft Resolution to the United States Attorney General Requesting Reconsideration of Federal Intervention Into the Legal Case Opposing the University of Michigan's Affirmative Action and Diversity In Admissions Policy

Commissioner Proctor updated the Board on this item, which was first presented to the Board on February 11, 2003. The Board engaged in a lengthy discussion regarding the draft resolution being sent to the United States Department of Justice, Office of the Attorney General, requesting reconsideration of federal government intervention into a pending case to be brought before the United States Supreme Court which is in opposition to the University of Michigan's Affirmative Action and Diversity in Admissions Policy.

Commissioner Proctor moved and was duly seconded by Commissioner Rackleff to approve Option 1: Approve the draft resolution to the United States Office of the Attorney General requesting reconsideration of federal intervention into the legal case opposing the University of Michigan's Affirmative Action and Diversity Admissions Policy.

The motion carried unanimously, 7/0.

24. Approval to Establish a Joint City/County Stormwater Committee

Chairman Grippa brought this item forward.

Commissioner Winchester moved and was duly seconded by Commissioner Sauls to approve Option 1: Direct staff to study the establishment of a Joint City-County Stormwater Committee and the development of a formula for determining stormwater fees based on the impervious surface and other factors that affect runoff.

The motion carried unanimously, 7/0.

Public Hearings

25. First and Only Public Hearing to Adopt an Ordinance Setting a Deadline for Requesting Quasi-Judicial Hearing

Pursuant to the following legal advertisement, a public hearing was conducted on whether to adopt an ordinance setting a deadline for requesting quasi-judicial hearings before the Board of County Commissioners. (It includes language that requires parties to file in writing with the County Attorney a request for a quasi-judicial hearing at least one business day prior to the meeting at which the Board is scheduled to hear the item in question.)

Zoe Kulakowski, 1320 Blockford Court West, appeared and alleged that with limited advance notice, the affected party would have such little time to work something out or to have an opportunity to respond. County Attorney Thiele responded that this does not affect the other 15 and 30-day provisions for site plan review, etc. This is for situations where parties who qualify for a quasi-judicial proceeding hearing cannot wait until the last moment or one day before a Commission meeting, before making a request to the Board for such a hearing.

Ms. Kulakowski also requested that the Board place the agenda on the Web sooner than Friday at 5:00 p.m. The Board indicated that the agenda would be put on the Web on Thursday by 5:00 p.m.

Commissioner Sauls moved and was duly seconded by Commissioner Maloy to approve Option 1: Conduct the first and only public hearing to adopt the ordinance setting forth a deadline for requests for quasi-judicial hearings.

The motion carried 6 – 1 (Commissioner Rackleff voted in opposition and Commissioner Proctor was out of the Chambers).

See attached Leon County Ordinance Number 03-04:

26. First and Only Public Hearing to Consider Final Peer Review Report on Phase II Bradfordville Stormwater Study

Pursuant to the following legal advertisement, a public hearing was conducted to consider the peer review report by Dr. Mark Ross on the Bradfordville Stormwater Study conducted by Camp, Dresser and McKee, engineering consultants for Leon County.

County Attorney Thiele provided an overview of the issue.

Mr. Thiele explained that this is not a required public hearing but the Board did enter into a settlement agreement with Killearn Lakes Homeowner's Association a few months ago that was negotiated by the Chairman and approved by the Board. The settlement agreement has been effectuated in its entirety except for this one item, which is before the Board. The Killearn Lakes Homeowners Association has filed its voluntary dismissal of any of the pending litigation and the County has reimbursed them for their costs, which they justified to staff with their invoices. The last item was when the Peer Review was received from Dr. Ross, the engineer selected by the Court; the County was to present it to the Board at a public hearing so the Board could acknowledge receipt of it. Mr. Thiele stated that he spoke with counsel for the Killearn Lakes Homeowners Association and they have no objections. Chairman Grippa reported that he in receipt of a letter from Larry Block and one from Phil Speake, which had been distributed earlier.

The following speakers appeared:

Pam Hall, 5051 Quail Valley Road, appeared representing CERCA and referred to the report. She asked the Board whether or not the County needs to implement the peer review to obtain stormwater management and indicated that the peer review was like a second opinion. She referenced various sections suggesting that the point is to do stormwater management well and quoted from the Comp Plan which indicates that it should be based on sound science and technology. She stated that one of the recommendations involves calibrations, which is rather tricky and then a model must be run; she indicated that the questions asked with this model were the wrong questions.

Randie Denker, 7600 Bradfordville Road, attorney, appeared and stated that apparently there was some confusion over who she was representing, since she just read the letters from Mr. Speake and Mr. Block. She stated that the name of the case is Lake McBride Area Residents Association; they are no longer a party since they have settled and she is not representing them any longer; Killearn Lakes has also dropped out but that remains the name of the case. She explained that she represents the two remaining homeowner's associations.

Don Bethancourt, 5661 Widefield Drive, stated that he is currently representing Lake Caroline Homeowners Association on behalf of Pat Rose who is recovering from surgery. He remarked that he is confused from what he sees on both sides of the issue as it relates

to the effectiveness of the peer review study and flooding issues. Mr. Bethancourt stated that he has experienced flooding problems where he lives and urged the Board to take a close look at what the stormwater study and the peer review report says and to use tax dollars wisely.

Chairman Grippa asked how many peer reviews have been conducted and Mr. Thiele responded that there have been five in total; they have been reviewed by the engineers in GEM, by engineers in the Public Works Department, by Camp Dresser and McKee, and by the Genesis Group.

(Vice-Chair Sauls assumed the Chair.) Commissioner Maloy moved and was duly seconded by Commissioner Grippa to approve Option 1: Conduct the public hearing on the Final Peer Review of Phase II Bradfordville Stormwater Study and accept the report.

Commissioner Thaele remarked that there are merits on both sides of the issue, that the County has done a great deal to comply with the requirement to conduct a peer review study of the CDM report. He stated that after a basic review of Dr. Ross's study, it does raise questions and there is information that he is not comfortable with. He emphasized the importance of going the extra mile to ensure that new development is not going to cause downstream flooding. He referred to the report, page 10, particularly regarding the methodology issues suggesting that the model should have been calibrated to the flows and the storages. Commissioner Thaele suggested that this item be continued for three weeks so that staff can be directed to do those calibrations and look at the pre- and post-conditions.

County Attorney Thiele explained that Public Works engineering staff has already reviewed this and their response is in the memorandum that has been distributed. Mr. Thiele indicated that there may be some confusion and explained the following: The County was required by the Court to conduct a stormwater study, which was done (the ERD). The Court then ordered the County to conduct a flooding study, which the County argued that they had already done, but they did another one, which was the DCM study. The Court then dissolved the temporary injunction, then the Court decided that the County needed to peer review it with a third party that had no other contracts with the County. Mr. Thiele explained that the County has now accomplished all that was required under the interim settlement agreement and the Court orders. If the Board wishes to do another flooding review by another entity, engineering or otherwise, that is a separate item. He pointed out

that Teresa Heiker, County Stormwater Engineer, conveyed to him that the level of review that Commissioner Thael was addressing is essentially another level of stormwater study that would take a lot longer than three weeks and would cost thousands of dollars.

Commissioner Rackleff referred to the report which indicates that the CDM did not calibrate the model used in the study and did not evaluate multiple duration storm events; the evaluation of alternatives need to be made with a clear objective statement and must include the identification of a baseline or target condition from which the alternative will be compared; the report indicates that this has not been done. Commissioner Rackleff wanted to know if the calibration was such an onerous task that it was not worth doing.

Teresa Heiker, Stormwater Engineer, stated that it is staff's opinion, based on the level of information that is generally available for the area, that the calibration that was performed in the Killearn Chain of Lakes Study which was the basis for this model was sufficient to give staff enough comfort with the details provided by the flooding study analysis. Staff believes it is sufficiently calibrated for a planning study; if the concern addressed by the homeowners is the level of detail which staff normally associates with the design level effort, then it does require a substantially greater amount of field data that is not in the model; it would have to be supplemented with additional flow information, with additional finish floor elevations, and with additional storage information that is much more detailed than they normally provide in any study. Staff identified for study purposes, issues with the transportation system, and confirmed that there are no houses at risk. Ms. Heiker advised that this supports staff's position that the information was sufficient and staff is addressing the two issues of concern. She explained that the matter can be pursued as a supplemental study, but it is beyond the level of a planning study that is normally provided; staff has not designed a detailed design level model to address the areas beyond the primary control area; staff currently has the design information in house for the improvements on Bradfordville culverts that do take the flow down from Bradfordville Road to Killearn Chain of Lakes - that detailed level of design survey has been completed but it would not address the outlying areas beyond that specific primary channel run.

Commissioner Thael referenced the report and indicated that these models are very unreliable for prediction without calibration to rates and volumes; they are useful for estimates but are not

based on science, which requires data and analysis and costs money. Commissioner Thael recommended to slow this down and ask the neighborhood to hold their motion in abeyance until the County can have one more opportunity to address the issues that are fundamental in this report.

Commissioner Thael moved a substitute motion and was seconded by Commissioner Rackleff to continue this item for three weeks (March 11th) and have staff address the issues that Dr. Ross raised in the report, particularly concerning the need to calibrate, bring back information to address all issues regarding baseline data; address issues as to what will new development do to the stormwater model, noting that the model should include new and existing improvements. Commissioner Thael stated that implicit in his substitute motion is that the plaintiffs hold their motion in abeyance.

Randy Denker approached the Board and stated that her client, Dr. Hall pointed out that Dr. Ross indicated that it would not take very long, a couple of weeks, and would not be very costly to implement his recommendations. Ms. Denker suggested eliminating the middleman and talk to Dr. Ross directly about the issues. She reported that her clients are willing to be conciliatory and want the litigation to be over with; they would be willing not to call their motion up before the judge and would be willing to sit down with County staff in the next week or so and if the parties can do what Dr. Ross has asked and recommended the County to do, she would withdraw the motion.

The substitute motion on the floor failed 3 – 4 (Commissioners Grippa, Sauls, Maloy, and Proctor voted in opposition).

The original motion carried 5 – 2 (Commissioners Thael and Rackleff voted in opposition).

Commissioner Sauls moved, duly seconded by Commissioner Proctor and carried unanimously, 7/0, to amend the agenda to hear Item 16 as the next item, followed by the Add-on item 27.

The Board engaged in discussion of Item 16.

ADD-ON (Item 27 was inadvertently omitted from agenda outline)
27. Request to Allow Development Review and Permitting on the Fred George Road Property by Goose Creek Developers, Inc. by the City of Tallahassee in Advance of Voluntary Annexation

This item is a request that the Board grant approval for the agent for the owner (Goose Creek Developers, Inc.) of property located on Fred George Road, to proceed with the development review and permitting process with the City of Tallahassee in advance of voluntary annexation.

Commissioner Winchester reported that he attended a neighborhood meeting and the following concerns/issues were raised: Off-site traffic impact; 2) flooding issues; 3) sidewalks; and, 4) availability of a northwest park.

Commissioner Thaell stated that he had received a personal commitment from the developers that the neighborhood would be able to address their issues.

Commissioner Winchester moved and was duly seconded by Commissioner Thaell to approve Option 1: Approve the request from the agent for the owner (Goose Creek Property, Inc.) of property located on Fred George Road, to proceed with the development review and permitting process with the City of Tallahassee in advance of voluntary annexation, based on the assumption that issues are addressed prior to voluntary annexation. The motion carried unanimously, 7/0.

The Board then discussed Item 14 again.

Citizens to be Heard on Non-Agenda Items

Pastor Stanley Sims appeared and stated that the Board should be receptive to sensitive issues and Affirmative Action was a sensitive issue for him.

County Attorney

Reported on the settlement regarding Frank Marrone's code enforcement violations. (The Board previously rejected the \$2,000 settlement proposal as presented by Mr. Marrone, and made a counter-proposal for settlement of \$15,000.) The settlement will be paid by the new property owners. The County will remove all liens with the condition that the properties remain in compliance with the codes.

Discussion Items by Commissioners

Commissioner Winchester

- a. Requested a status report on the snags with the Lake Jackson retrofit projects and the problem with the Corps of Engineers'

stringing the issue out. He suggested that staff obtain assistance from the County's federal lobbyist.

- b. Noted that there have been complaints of teenagers discharging firearms at the landings around Lake Jackson, specifically Rhoden Cove. The Leon County Sheriff's office raised concerns on how to enforce the law regarding the discharge of firearms. The Board directed the County Attorney to talk with the Sheriff's Office counsel.
- c. Requested that the Board direct staff to develop an energy conservation plan to conserve energy that would include lights, fuel, oil, buildings and vehicles and how price increases would affect the budget.

Commissioner Sauls

- a. Commented favorably on the recent tour to Innovation Park.
- b. Requested that staff find out when the planting of Bald Cypress seedlings would be done at Lake Henrietta.

Chairman Grippa

- a. Requested staff to look into Senate Bill 10-38 regarding the dissolution of the Department of Juvenile Justice and the transfer of the responsibility of juvenile offenders to county government. Chairman Grippa also asked for a letter to be written opposing the dissolution of the Department.
- b. Requested that the minutes of his meetings with Commissioner Sauls and Commissioner Thael be placed on the County website.
- c. Requested that staff review a 401(A) Special Pay Plan offered by AIG VALIC through its subsidiary, Bencor, Inc.
- d. Asked that staff contact the City regarding their decision to switch a pension fund plan provider, which would mean a loss of money to the City employees.
- e. Requested that calls regarding Fallschase issues be directed to Commissioner Thael since he is negotiating with Fallschase. Commissioner Thael distributed a status report on Fallschase issues. See attachment:

Commissioner Rackleff

- a. Requested staff draft a lake management plan for Lake Jackson activities such as fishing, boating, and skiing.
- b. Commented on the Secretary of State's plan to disburse the State Library's circulating collection of 350,000 books.

Commissioner Proctor

- a. Criticized the fact that Blueprint 2000 money was not going for Southside projects, specifically the Springhill Road and Orange Avenue projects not scheduled in Phase I. Commissioner Proctor commented on the County Administrator and the City Manager signing the agreement with NAACP.
- b. Commissioner Proctor questioned how to conduct a recall of the election on the one-cent sales tax.
- c. Board engaged in discussion regarding the IA meeting held on Monday.

Commissioner Thaell

- a. Requested that a resolution designating March 8, 2003 as John Reineking Day and Lincoln NROTC Day be presented at an NROTC event scheduled for March 8th.
- b. Commissioner Thaell moved, duly seconded by Commissioner Rackleff and carried 6 – 1 (Chairman Grippa voted in opposition), to place a resolution encouraging restraint of force regarding Iraq be placed on the February 25, 2003 agenda.

Vice-Chair Sauls assumed the Chair. Commissioner Grippa moved and was duly seconded by Commissioner Winchester to place a resolution condemning France for not supporting the United States on the agenda. The motion carried 5 – 2 (Commissioners Thaell and Rackleff voted in opposition).

There being no further business to come before the Board, the meeting was adjourned at 9:35 p.m.

APPROVED: _____
Tony Grippa
Chairman

ATTEST:

Bob Inzer, Clerk of the Circuit Court